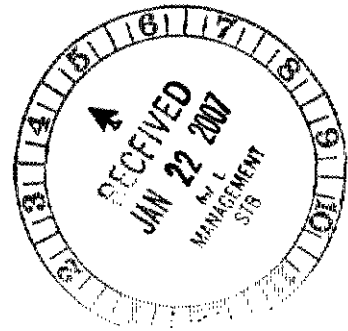


ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

218500



STB DOCKET NO. AB-878

CITY OF PEORIA AND THE VILLAGE OF
PEORIA HEIGHTS, IL.-ADVERSE
DISCONTINUANCE-PIONEER INDUSTRIAL RAILWAY COMPANY

REPLY TO MOTION TO COMPEL DISCOVERY
OF CENTRAL ILLINOIS RAILROAD COMPANY

ENTERED
Office of Proceedings

Respectfully submitted, JAN 22 2007
Part of
Public Record

John D. Heffner
John D. Heffner, PLLC
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 263-4180

Counsel for Central
Illinois Railroad Company

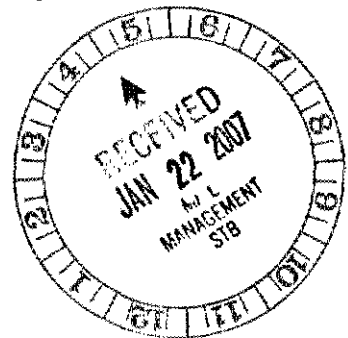
Dated: January 22, 2007

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings

JAN 22 2007

Part of
Public Record



STB DOCKET NO. AB-878

CITY OF PEORIA AND THE VILLAGE OF
PEORIA HEIGHTS, IL.-ADVERSE
DISCONTINUANCE-PIONEER INDUSTRIAL RAILWAY COMPANY

REPLY TO MOTION TO COMPEL DISCOVERY
OF CENTRAL ILLINOIS RAILROAD COMPANY

Pursuant to 49 CFR Part 1114.31, Pioneer Industrial Railway Co. ("PIRY") filed a "Revised" Motion to Compel Discovery with the Board on January 17, 2006. PIRY's Motion asks the Board to issue an order compelling Central Illinois Railroad Company ("CIRY"), the City of Peoria, IL, and the Village of Peoria Heights, IL, and The Pleasure Driveway and Park District of Peoria, IL, to provide certain information in response to PIRY's request. Pursuant to a ruling by the Board in the above-captioned proceeding issued on January 12, 2007, PIRY revised its discovery requests and, as relevant to CIRY, seeks responses to PIRY revised request numbers 5 and 12 and to

request numbers 3, 4, 6, 7, 14, and 15 in their original form. Here are CIRY's responses.

Revised Request No. 5. Produce all information in Your possession regarding the rates, service schedules, levels of service, carloads, types, contracts and/or other agreements, negotiations regarding service, and other information that relates to CIRY's service to Carver Lumber Company ("Carver"), O'Brien Steel Service Co. ("O'Brien"), and/or any other existing or potential shipper located on the Kellar Branch (including proposals to provide service made by CIRY or any request for service information from any potential shipper(s) from the date of the inception of CIRY's common carrier obligation on the Kellar Branch up to and including the date of your response.

Response: CIRY objects to this request as overly broad and burdensome as well as irrelevant to the basic issue of whether the public convenience and necessity requires a grant of the Adverse Discontinuance Application. Nevertheless, upon execution of an appropriate confidentiality agreement, CIRY will make available to PIRY at CIRY's office in Granville, IL, such information in its possession in the form of paper and/or electronic traffic records generated by RMI. CIRY also attaches to this filing a copy of its tariff. Finally, CIRY notes that it

that this information is still available, it is in the form of publicly available documents that can be obtained from the Federal Railroad Administration. CIRY's current management does not possess and cannot obtain access to any information that existed before it acquired CIRY on August 18, 2006.

Request No. 6. *Identify all track equipment operated by CIRY.*

Response: CIRY objects to this request as being ambiguous, overly broad and irrelevant to the issues presented by the subject Adverse Discontinuance Application. CIRY contracts out all track and right of way maintenance functions. It is attaching to this response a list of its current equipment.

Revised Request No. 7. *Produce all information in Your possession concerning any discussions, contracts, negotiations, and any other documents regarding rail service, either past, future, or existing, to any Shipper or over any portion of the Kellar Branch or any portion of any other rail line owned or operated in whole or in part by the Cities or that connects with the Kellar Branch, whether or not it is owned or operated by the Cities.*

Response: CIRY objects to this request as being ambiguous and overly broad as well as irrelevant to the

does not possess and cannot find information collected by its former owners and management. CIRY's present owner acquired the company on August 18, 2006.

Revised Request No. 12. *Produce all information in Your possession concerning interchange of traffic handled by CIRY moving to or from Carver and O'Brien on the one hand to and from UP, TZPR, and/or P&PU on the other.*

Response: See CIRY response to request no. 5, above.

Request No. 3. *Produce all information in Your possession concerning any accidents, safety violations, or accidental release of lading involving rail shipments that have moved on the Kellar Branch since August 9, 2005.*

Response: CIRY objects to this request as being overly broad and irrelevant to the issues presented by the subject Adverse Discontinuance Application. Moreover, some of this information is publicly available through the Federal Railroad Administration and other relevant state or federal agencies.

Request No. 4. *Produce all safety and injury reports filed with the Federal Railroad Administration by CIRY since January 1, 2001.*

Response: CIRY objects to this request as being overly broad and irrelevant to the issues presented by the subject Adverse Discontinuance Application. To the extent

issues presented by the subject Adverse Discontinuance Application.

Revised Request No. 14. *Produce all information in Your possession that relates to the use by Shippers and Potential Shippers of rail service on the Kellar Branch.*

Response: CIRY objects to this request as being ambiguous and overly broad and irrelevant to the issues presented by the subject Adverse Discontinuance Application. See response to Request No. 5.

Revised Request No. 15. *Identify the person(s) providing the responses to each of these Requests.*

Response: John Darling.

Respectfully submitted,



John D. Heffner
John D. Heffner, PLLC
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 263-4180

Counsel for Central
Illinois Railroad Company

Dated: January 22, 2007

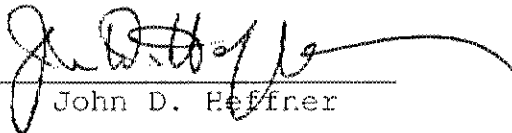
CERTIFICATE OF SERVICE

I, John D. Heffner, certify that the foregoing document, Reply to Revised Motion to Compel Discovery, was served on January 22, 2007 by hand deliver and first-class mail, postage prepaid to the following:

William A. Mullins, Esq.
Baker & Miller, PLLC
2401 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20037

Daniel A. LaKemper, Esq.
Pioneer Industrial Railway Company
1318 S. Johanson Road
Pecoria, IL 61607

Thomas F. McFarland
Thomas F. McFarland < PC
208 South LaSalle Street
Suite 1890
Chicago, IL 60604-1112



John D. Heffner

CIRY On-Track Equipment

EMD, SW9	SW9 Diesel Locomotive, FRA Compliant
EMD, SW9	SW9 Diesel Locomotive, FRA Compliant
EMD, SW9	SW9 (SW14) Diesel Locomotive; FRA Compliant
EMD, SW-1200	SW1200 Diesel Locomotive,
EMD, SW9	SW9 Diesel Locomotive, FRA Compliant
EMD, NW-2	NW2 Remote-Controlled Locomotive,
EMD, SW-1200	SW1200 Diesel Locomotive,
EMD, SW9	SW9 Locomotive,
EMD, SW-1200	SW1200 Locomotive
EMD, SW9 (SSB-1200)	SW9 (SSB1200) Diesel Locomotive, DIT 9/2005
TRACKMOBILE	Model 4500 Car Mover

CENTRAL ILLINOIS RAILROAD COMPANY

FREIGHT TARIFF CIRY 1000

**RULES AND CHARGES GOVERNING
DEMURRAGE, SWITCHING, WEIGHING, RATES,
SPECIAL RULES AND CHARGES
APPLYING AT AND BETWEEN POINTS ON THE RAILS OF
THE CENTRAL ILLINOIS RAILROAD CO.**

"Notice"

This Tariff and its provisions cancel and supersede all tariffs previously issued by the Central Illinois Railroad Co. from May 1, 2001. The CIRY 1000 shall take precedence over similar provisions contained in any agency tariffs not published by the CIRY.

THIS TARIFF ALSO APPLIES ON INTRASTATE TRAFFIC

Governed, except as otherwise provided, by the Uniform Freight Classification (See Item 5).

ISSUED BY:

Central Illinois Railroad Co.
PO Box 259
Granville, Illinois 61326-0259

(The provisions published herein, if effective, will not result in an effect on the quality of the human environment.)

ISSUED: August 18, 2006

EFFECTIVE: August 31, 2006

Check Sheet of Tariff Pages and Supplements

Page number and revision number. The pages of the Tariff, listed on this page, bear issued dates, which are the same as, or are prior to, the issued date of this page. "O" in the revision column indicates as original page.

Page	Revision	Page	Revision	Page	Revision	Page	Revision
Title	0	11	0	22	0	33	0
1	0	12	0	23	0	34	0
2	0	13	0	24	0	35	0
3	0	14	0	25	0	36	0
4	0	15	0	26	0	37	0
5	0	16	0	27	0	38	0
6	0	17	0	28	0	39	0
7	0	18	0	29	0	40	0
8	0	19	0	30	0	41	0
9	0	20	0	31	0	42	0
10	0	21	0	32	0		

Supplements

Supplement Number	Effective Date	Explanation/Description
NONE		

For explanation of abbreviations and reference marks, see last page of Tariff.

ISSUED: August 18, 2006

EFFECTIVE: August 31, 2006

ISSUED BY: Central Illinois Railroad Co., PO Box 259, 11801 East 1250th Street, Granville, Illinois 61326

Plan of Tariff

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PART TWO	Demurrage and Storage Rules and Charges
	SECTION 1 Demurrage Rules and Charges
	SECTION 2 Storage Rules and Charges
PART THREE	Switching Rules and Charges
	SECTION 1 Special Switching Rules and Charges - Unlimited
	SECTION 2 General and Specific Switching Charges
PART FOUR	Rules, Regulations, and Charges Governing Weighing, Re-weighing, and Weight Agreements
PART FIVE	Charges for Special Services to Outside Entities Other than the Customer Base
PART SIX	Freight Rates, Rules, and Condition

(Plan of Tariff is for informational purposes only)

For explanation of abbreviations and reference marks, see last page of Tariff.	
ISSUED: August 18, 2006	EFFECTIVE: August 31, 2006
ISSUED BY: Central Illinois Railroad Co., PO Box 259, 11801 East 1250th Street, Granville, Illinois 61326	

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For explanation of abbreviations and reference marks, see last page of Tariff.

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For explanation of abbreviations and reference marks, see last page of Tariff.

ISSUED: August 18, 2006

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PART 1

RULES AND OTHER GOVERNING PROVISIONS

For explanation of abbreviations and reference marks, see last page of Tariff.

ISSUED: August 18, 2006

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PART 1		
RULES AND OTHER GOVERNING PROVISIONS		
GENERAL RULES AND REGULATIONS		
APPLICATION	SUBJECT	ITEM
The term "Uniform Freight Classification" when used herein means: Tariff UFC 6000 Series	DESCRIPTION OF GOVERNING CLASSIFICATION	5
Except as otherwise provided, rates and charges shown herein are subject to selective increases.	APPLICATION OF INCREASES	8
<p>(1) Fractions resulting from the application of percentage increases or reductions of rates, charges or surcharges will be dropped to the next whole cent if less than a half-cent, and increased to the next whole cent if a half-cent or more.</p> <p>(2) When carload rates or charges or surcharges expressed in whole dollars are increased or reduced under percentage increases or reductions, fractions of dollars resulting from the application of such a percentage increase or reduction will be dropped if less than fifty (50) cents, and increased to the next whole dollar if fifty (50) cents or more, except as provided in Paragraph (3).</p> <p>(3) On carload rates or charges or surcharges expressed in whole dollars or in dollars and cents per carload in an amount of fifty (50) dollars or less, charges will be determined as provided in Paragraph (1) and the provisions of Paragraph (2) will not apply.</p>	ROUNDING AND DISPOSITION OF FRACTIONS	9
<p>This Tariff is governed by Tariff OPSL 6000-Series to the extent shown below:</p> <p>PREPAY REQUIREMENTS AND STATION CONDITIONS</p> <p>For additions and abandonment of stations, and, except as otherwise shown herein, for prepay requirements, changes in names of stations, restrictions as to acceptance or delivery of freight, and changes in station facilities.</p> <p>When a station is abandoned as of the date specified in the above named tariff, the rates from and to such station as published in this tariff are inapplicable on and after that date.</p>	STATION LISTS AND CONDITIONS	11

For explanation of abbreviations and reference marks, see last page of Tariff.

ISSUED: August 18, 2006

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PART 1

RULES AND OTHER GOVERNING PROVISIONS

GENERAL RULES AND REGULATIONS

APPLICATION	SUBJECT	ITEM
For rules and regulations governing the transportation of explosives and other dangerous articles by freight, also specifications for shipping containers and restrictions governing the acceptance and transportation of explosives and other dangerous articles see Tariff BOE 6000-Series.	EXPLOSIVES AND OTHER DANGEROUS ARTICLES	15
Where reference is made to tariffs, books, items, notes, rules, etc., such references are continuous and include supplements to and successive issues of such tariffs, books, and releases of such items, notes, rules, etc. Where reference is made in this tariff to another tariff or book by number, such reference applies to such tariff or book to the extent it may be applicable on intrastate traffic.	REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.	20
Where consecutive numbers are connected by the word "to" or a hyphen, they will be understood to include both of the numbers shown. If the first number only bears a reference mark, such reference mark also applies to the last number shown and to all numbers between the first and last numbers.	CONSECUTIVE NUMBERS	40
This tariff will be amended by issuing revised pages and except where a specific cancellation is shown on a newly revised page, a revised page cancels any and all non-cancelled portions thereof which bear the same page number (See Exception). A revised page will not show a cancellation notice except when a cancellation notice is necessary because of suspension, rejection, or other reasons. Revisions of each page will be published and filed in numerical sequence. Example: "First Revised Page 10" would cancel Original Page 10. <u>Exception</u> (1) When a specific cancellation on a prior revised page excepts a previously filed page wholly or in part, this rule will not have the effect of canceling such excepted previously filed page or portion thereof.	CANCELLATION OF ORIGINAL AND REVISED PAGES	50

For explanation of abbreviations and reference marks, see last page of Tariff.

ISSUED: August 18, 2006

EFFECTIVE: August 31, 2006

ISSUED BY: Central Illinois Railroad Co., PO Box 259, 11801 East 1250th Street, Granville, Illinois 61326

PART 1		
RULES AND OTHER GOVERNING PROVISIONS		
GENERAL RULES AND REGULATIONS		
APPLICATION	SUBJECT	ITEM
Delivery of car(s) to a consignor/consignee shall be at the CIRY's ordinary operating convenience. Ordinary operating convenience is defined as the time that is most advantageous to the CIRY in relation to its coordinated and harmonious switching activities in a particular rate or switching zone.	CAR DELIVERY	60
Transportation charges named in this tariff, or governed by this tariff, apply only when shipments are packed and loaded in accordance with the requirements published in Tariff UFC 6000-Series. Shipments not packed and loaded in accordance with the requirements published in the UFC will not be accepted.	PACKAGE AND LOADING REQUIREMENTS	70
Wherever reference is made in this tariff to "Holidays," it shall mean only the days listed in Item 425, Section 1, and Part 2 of this Tariff.	HOLIDAYS	80
A charge of \$40.00 per car will be assessed when a shipping order is received by the CIRY and changed or cancelled by the consignor, consignee, or owner, before the car has been moved in execution of the original shipping order, and the charge will be in addition to the rate or charge applicable to the subsequent order under which the car is moved.	CHANGES IN SHIPPING ORDERS	100
When a shipment is handled in joint line service, the origin line's shipping documents and exempt publications will in cases of conflict with any other carrier's shipping document or publication.	DOCUMENTS GOVERNING SHIPMENT	110
<p>The CIRY reserves the right to reject any shipment that does not conform to applicable tariffs, circulars, administrative orders, or regulations. Carrier's failure to reject a non-compliant shipment does not make the carrier responsible for such loss, damage, or injury arising from such non-conformity.</p> <p><u>NON-PERISHABLE FREIGHT</u></p> <p>When the consignee refuses to accept freight, or if freight is unclaimed five days after notice of arrival has been duly sent or given, consignor will be sent a notice showing:</p> <p>Name of consignee; Description of freight; Point or origin and date of shipment; and Whether property has been refused or remains unclaimed.</p> <p>Notice should also state that if disposition is not arranged for, the property will be subject to sale as provided in Section 4, Paragraph (b) of the Uniform Bill of Lading as published in the UFC.</p>	REFUSED OR UNCLAIMED FREIGHT	120
For explanation of abbreviations and reference marks, see last page of Tariff.		
ISSUED: August 18, 2006		EFFECTIVE: August 31, 2006
ISSUED BY: Central Illinois Railroad Co., PO Box 259, 11801 East 1250th Street, Granville, Illinois 61326		

PERISHABLE FREIGHT

When necessary to prevent loss or waste, perishables freight which is refused, unclaimed or undelivered may be sold at the discretion of the NWPY, without advertising and without further notice, as provided in Section 4, Paragraph (c) of the Uniform Bill of Lading as published in the UFC.

REFUSED OR
UNCLAIMED
FREIGHT
(Continued)

120

For explanation of abbreviations and reference marks, see last page of Tariff.

ISSUED: August 18, 2006

EFFECTIVE: August 31, 2006

ISSUED BY: Central Illinois Railroad Co., PO Box 259, 11801 East 1250th Street, Granville, Illinois 61326

PART I		
RULES AND OTHER GOVERNING PROVISIONS		
GENERAL RULES AND REGULATIONS		
APPLICATION	SUBJECT	ITEM
All diversions or reconsignments must be placed through the CIRY's Customer Service Center through a telephone number provided by our company periodically as the location and number will change. Present phone number for customer use is (815) 339-6839.	DIVERSIONS OR RECONSIGNMENTS	125
Liability for delay to shipments transported by the CIRY is limited to \$5,000.00 per loaded car and will apply only when delay to such shipments may be directly attributable to Acts of God, <i>i.e.</i> , hurricane, tornadoes, earthquakes, etc., and only when such shipments are delayed by five (5) days or more.	LIMITED LIABILITY – DELAYS DUE TO ACTS OF GOD	170
Unless otherwise provided, all charges for switching movements on the CIRY will be collected by the CIRY.	COLLECTION OF REVENUE	180
Unless otherwise provided, the linehaul carrier or carriers are solely responsible for providing suitable equipment for customer loading. The CIRY shall not be responsible for providing equipment for loading. At times equipment may not be available	AVAILABILITY OF EQUIPMENT	185
Unless otherwise provided, the rates contained herein do not apply to intermodal equipment or service utilizing TOFC, COFC, RailRunner, RoadRailer, or Stacktrain equipment.	INTERMODAL SERVICE AND/OR EQUIPMENT	190

For explanation of abbreviations and reference marks, see last page of Tariff.

ISSUED: August 18, 2006

EFFECTIVE: August 31, 2006

ISSUED BY: Central Illinois Railroad Co., PO Box 259, 11801 East 1250th Street, Granville, Illinois 61326

PART 2

DEMURRAGE AND STORAGE RULES AND CHARGES

SECTION 1

DEMURRAGE RULES AND CHARGES

SECTION 2

STORAGE RULES AND CHARGES

For explanation of abbreviations and reference marks, see last page of Tariff.

ISSUED: August 18, 2006

EFFECTIVE: August 31, 2006

ISSUED BY: Central Illinois Railroad Co., PO Box 259, 11801 East 1250th Street, Granville, Illinois 61326

PART 2 -- SECTION 1

DEMURRAGE RULES AND CHARGES

APPLICATION	SUBJECT	ITEM
<p>The demurrage rules and charges published in this Section apply on all international, interstate, and intrastate traffic at all points on the CIRY. For the purpose of applying rules and charges, the terms defined in items 405 through 540 shall govern.</p> <p><u>EXCEPTION</u></p> <p>(1) This Part 2 of FT CIRY 1000 does NOT apply at CIRY points on the Elk Grove Village (Centex Industrial Park) District.</p>	GENERAL APPLICATION	400
Any accessible track open to the general public for loading or unloading.	PUBLIC DELIVERY TEAM TRACK	405
Any railroad track or portion thereof assigned for individual or joint use, including privately owned or leased tracks.	OTHER THAN PUBLIC DELIVERY TRACK	410
A track outside of this railroad's right-of-way, yard and terminals which this railroad does not own -- the rails, ties, roadbed or right-of-way. When a track is assigned to the purpose of its user through a written agreement, such lease or agreement will be considered as equivalent to ownership. A private track or portion thereof will be considered the private track of each of two or more parties when written notice of joint use has been furnished to this railroad by the owner of such track prior to actual placement of a car for the account of any joint user of the track.	PRIVATE TRACK	415
A private car is a car bearing other than railroad reporting marks and is not a railroad-owned or controlled car.	PRIVATE CAR	420
A railroad-controlled car is a car provided to a railroad directly, by car companies or car owners/lessors for the indiscriminate use by the railroad in serving any of its customers.	RAILROAD-CONTROLLED CAR	421
<p>Whenever reference is made to "holidays," it shall mean only the days listed below:</p> <p>New Year's Day -- January 1 (see Note 1). Memorial Day -- Last Monday of May. Independence Day -- July 4 (see Note 1). Labor Day -- First Monday of September (see Note 1). Thanksgiving Day -- Fourth Thursday of November. Christmas Eve Day -- December 24. Christmas Day -- December 25 (see Note 1).</p> <p>Note 1: When this date occurs on a Sunday, the following Monday will be observed as the holiday.</p>	HOLIDAYS	425

For explanation of abbreviations and reference marks, see last page of Tariff.

ISSUED: August 18, 2006

EFFECTIVE: August 31, 2006

ISSUED BY: Central Illinois Railroad Co., PO Box 259, 11801 East 1250th Street, Granville, Illinois 61326

PART 2 -- SECTION 1

DEMURRAGE RULES AND CHARGES

APPLICATION	SUBJECT	ITEM
The party in whose name cars are ordered and/or the party who furnishes this railroad forwarding directions.	CONSIGNOR	430
The party to whom a shipment is consigned and/or the party entitled to receive the shipment.	CONSIGNEE	431
Actual Placement is made when a car is placed in an accessible position for loading or unloading or at a point previously designated by the consignor or consignee.	ACTUAL PLACEMENT	435
When a car consigned or ordered to a private track, an industrial interchange track, or an other-than-public delivery track cannot be actually placed because of a condition attributable to the consignor or consignee, such car will be held at destination, or if it cannot reasonably be accommodated there, at an available hold point and notice shall be sent or given to the consignor or consignee that the car is held (naming the hold point if not held at destination) and that this railroad is unable to effect placement; however, if car is placed on a private track, industrial interchange track or other-than-public delivery track serving the consignor or consignee, the car shall be considered constructively placed without notice.	CONSTRUCTIVE PLACEMENT	440
When necessary, notification will be furnished in writing, electronically, by mechanical devices or verbal, to the party entitled to receive notification. Written confirmation or personal or telephone notification will be furnished only when party entitled to receive same has furnished a written request for written confirmation with this railroad.	NOTIFICATION	450
In the application of these rules, the time to be properly applied is the time, daylight saving time or standard time, lawfully in effect in the location where the car is held.	TIME OBSERVED	453
The complete or partial loading of a car in conformity with railroad loading and clearance rules, and the furnishing of forwarding instructions.	LOADING	455
The complete unloading of a car and advice received from consignee that the car is empty and available to this railroad.	UNLOADING	460
A car held for loading after being released as an empty, having been originally placed as a load.	RELOADING	465
Information, including forwarding instructions or release, which allows the railroad to either tender or release the car from the consignor's, consignee's, or other responsible party's account.	DISPOSITION	470

For explanation of abbreviations and reference marks, see last page of Tariff.

ISSUED: August 18, 2006

EFFECTIVE: August 31, 2006

ISSUED BY: Central Illinois Railroad Co., PO Box 259, 11801 East 1250th Street, Granville, Illinois 61326

PART 2 -- SECTION 1		
DEMURRAGE RULES AND CHARGES		
APPLICATION	SUBJECT	ITEM
Shipping instructions given the CIRY at the point of loading, containing all of the necessary information to transport the shipment to the final destination.	FORWARDING INSTRUCTIONS	475
Release is the date and the time this railroad receives disposition. The consignee or consignee will be responsible for providing written notification of the release of a load or empty and such notification will be used for the determination and calculation of demurrage charges.	RELEASE	480
A loaded car refused at destination by consignee without being unloaded.	REFUSED CAR	485
An empty car determined by consignor to be unfit for loading.	REJECTED CAR	486
Hazardous materials, substances or wastes as defined in HAZARDOUS MATERIALS REGULATIONS of the U.S. Department of Transportation in 49 C.F.R. 171.8 or successor thereof.	HAZARDOUS MATERIALS	490
<p>The terms "diversion," "release" or "reconsignment" are synonymous and use of either shall mean any of the following:</p> <ul style="list-style-type: none"> a. a change in the name and/or address of the consignee/consignor or both, b. a change in the place of delivery within original billed destination point, c. a change in the original billed destination point, or d. any other instructions necessary to effect delivery that require an additional movement of the shipment. e. any other instructions necessary to effect delivery that require an additional movement of the shipment. <p>The charge for cars diverted or reconsigned shall be \$150.00.</p>	<p>\$190.00</p> <p>DIVERSION OR RECONSIGNMENT RULES AND REGULATIONS</p>	495
A new document by which the entire original shipment, without being unloaded, is forwarded in the same car to another destination.	RESHIPMENT OR RE-BILL RULES AND CHARGES	500

For explanation of abbreviations and reference marks, see last page of Tariff.

ISSUED: August 18, 2006

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ISSUED BY: Central Illinois Railroad Co., PO Box 259, 11801 East 1250th Street, Granville, Illinois 61326

PART 2 -- SECTION 1

DEMURRAGE RULES AND CHARGES

APPLICATION	SUBJECT	ITEM
<p>Railroads, railroad-controlled, and private cars held on railroad owned or controlled tracks by the CIRY or connecting railroads for or by consignors and consignees for any purpose are subject to demurrage rules and charges in this Section (see Exception 1).</p> <p><u>Exception 1:</u> Demurrage rules and charges will not apply on loaded or empty private cars held on private tracks, including privately leased railroad-owned tracks, awaiting placement instructions.</p>	CARS SUBJECT TO DEMURRAGE RULES AND CHARGES	525
<p>Forty-eight (48) hours free time, excluding holidays, will be allowed for cars held for loading, unloading, or any purpose for which the consignor, consignee, or other party of record is responsible for furnishing disposition to this railroad (see Exceptions 1 and 2).</p> <p>Free time will commence with the first 7:00 A.M. after actual placement or constructive placement, whichever occurs first.</p> <p><u>Exception 1:</u> Empty railroad or railroad-controlled cars placed for loading on consignor's orders but released empty, not used in transportation service, will be subject to demurrage charges without free time allowance from actual placement or release.</p> <p><u>Exception 2:</u> Loaded or partially loaded private cars removed from private tracks on orders are subject to demurrage charges as provided in this Tariff, without free time allowance and without notice, from the first 7:00 A.M. after such cars are received until forwarding directions are furnished or until the cars are placed on or returned to private tracks on orders. In the event these cars are received between 5:00 P.M. and 8:00 A.M., they will not be subject to demurrage if forwarding directions are received prior to the following: 12:00 noon, inclusive of Saturdays, Sundays and holidays</p>	FREE TIME	530
<p>On cars subject to demurrage charges, after the expiration of free time allowed (see Item 530), the following charges per car per day, or fraction of a day, will be assessed until the car is released: \$70.00</p> <p>\$70.00 for the first and each subsequent day.</p>	DEMURRAGE CHARGES	535
<p>On cars subject to special detention charges because of excessive dimension, type of car or as otherwise stated on the waybill, these charges would be billed as instructed on the waybill.</p>	EXCESSIVE CAR CHARGES	540

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PART 2 -- SECTION 1

DEMURRAGE RULES AND CHARGES

APPLICATION	SUBJECT	ITEM
For application for consignee unloading only, the CIRY will accept an average agreement for the calculation of demurrage charges. After unloading, if a railcar is released during the first 24 hours of Free Time, a credit will be earned that can be used to offset a debit that has been incurred for each 24-hour period beyond the expiration of Free Time during the same calendar month. Credits earned in one month cannot be carried over to the following month to offset debits earned in that following month.	AVERAGE AGREEMENT	550

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PART 2 -- SECTION 2

STORAGE RULES AND CHARGES

APPLICATION	SUBJECT	ITEM
<p>The provisions of this Section apply to:</p> <p>Cars or other units of equipment moving on own wheels as freight at tariff, contract, or confidential letter quotation rates; and</p> <p>Shipments of classes A, B or C explosives, as named in Part 172 Commodity List of Tariff BOE 6000-Series, and hazardous materials, substances or wastes requiring the use of a 4-digit identification number on shipping papers, placards or panels, as named in Part II, Section 172.101 of Tariff BOE 6000-Series, while held in cars on railroad premises.</p>	GENERAL APPLICATION	700
<p>Railroad and privately-owned cars and other railroad and privately-owned equipment, moving on own wheels as freight at tariff, contract, or confidential letter quotation rates, will be subject to a charge of \$50.00 per car or other unit of equipment per day or fraction of a day, inclusive of Sundays and holidays, while held on tracks of this railroad. Time will be computed from the first 7:00 A.M. after placement on railroad tracks on orders or from the first 7:00 A.M. after notice has been sent or given, when required.</p> <p>Cars subject to the storage charges specified in this item shall include cars moving under per car or other unit of equipment switching charges.</p>	<p>\$50.00</p> <p>CARS MOVING ON OWN WHEELS</p>	725

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PART 2 -- SECTION 2

STORAGE RULES AND CHARGES

APPLICATION	SUBJECT	ITEM
<p>The storage charges provided in this item are in addition to applicable demurrage charges and, except as provided below, the applicable provisions of Sections 1 and 2 of Part 2 of this Tariff will govern in determining these storage charges:</p> <ol style="list-style-type: none"> On cars held for loading on railroad premises, time will be computed from the first 7:00 A.M. after loading begins. Free time will be as follows: <ol style="list-style-type: none"> Forty-eight (48) hours free time will be allowed on shipments of Class B and C explosives and other hazardous materials, substances or waste when held in cars, for removal from railroad premises (see Exception 1). Twenty-four (24) hours free time will be allowed on shipments of Class A explosives, when held in cars, for removal from railroad premises (see Exception 1). After the expiration of free time allowed, or without free time allowance when none is provided, the following charges will apply per day of fraction thereof, until removal from railroad premises: <ol style="list-style-type: none"> CLASS A -- Explosives <ol style="list-style-type: none"> \$70.00 per car per day, will apply on shipments held in cars on railroad premises. CLASS B AND C -- Explosives <ol style="list-style-type: none"> \$70.00, per car per day, will apply on carload shipments of Classes B and C explosives held in cars on railroad premises. HAZARDOUS MATERIALS, SUBSTANCES OR WASTE, OTHER THAN EXPLOSIVES <ol style="list-style-type: none"> \$70.00 per car per day will apply on carload shipments while held on railroad premises. <p>Exception 1; Freight, held in cars, received from another railroad or from other than railroad premises and held on this railroad's premises for forwarding directions or other disposition, shall be subject to the provisions of Item 530 of Section 1, Part 2 for the purpose of computing time.</p>	STORAGE RULES AND CHARGES ON EXPLOSIVES, HAZARDOUS MATERIALS, SUBSTANCES OR WASTE	775

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PART 3

SWITCH RULES AND CHARGES

SECTION 1

SPECIAL SWITCHING RULES AND CHARGES -- UNLIMITED

SECTION 2

GENERAL AND SPECIFIC SWITCHING CHARGES

For explanation of abbreviations and reference marks, see last page of Tariff.

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PART 3 -- SECTION 1

SPECIAL SWITCHING RULES AND CHARGES -- UNLIMITED

APPLICATION	SUBJECT	ITEM
<p>Except as otherwise provided, switching charges named will apply for handling loaded cars one way and empty the other. If cars moved empty in both directions, charges for the one-way movement will apply. If cars are moved empty in both directions, charges for one-way movement will apply. If cars are moved empty one way and not returned they will be charged as if loaded and switching of other cars loaded will not be considered as offsetting one-way movement of empty cars. If cars loaded in both directions, the applicable charge will be assessed for each loaded movement.</p> <p style="text-align: center;"><u>DEFINITIONS</u></p> <p>(a) Intra-plant Switching -- A switching movement of cars, loaded or empty, from one track to another track or between two points on the same track, within the same plant or industry without leaving the tracks of the same plant or industry.</p> <p>(b) Intra-Terminal Switching -- a switching movement (other than intra-plant switching) from one track to another track of the same carrier, within the switching limits of the one station or industrial switching district.</p> <p>(c) Inter-Terminal Switching -- A switching movement from a track of one carrier to a track of another carrier when both tracks and movement are within the switching limits of the same station or industrial switching district.</p> <p>(d) Reciprocal switching -- A switching movement from a track at an industry or firm to an interchange track of a connecting carrier or vice versa on a line haul traffic.</p>	APPLICATION AND DEFINITIONS	800
<p>(1) The intra-plant switching charges provided in this tariff will not apply when a car is moved back to the same location on the same location on the same track or to a different location on the same track when such movement is incidental to and necessary in connection with or placement of other loaded or empty cars.</p> <p>(2) Should an Intra-plant switching result from this railroad's failure to properly apply the customer's original spotting instructions, when provided to the railroad in writing, the customer will not be assessed charges for the re-spotting or relocating a load(s) or empty(ies).</p>	NON-APPLICATION OF INTRA-PLANT SWITCHING CHARGES	810

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PART 3 -- SECTION 1

SPECIAL SWITCHING RULES AND CHARGES -- UNLIMITED

APPLICATION	SUBJECT	ITEM
When a shipper or consignee instructs the release of a car previously placed for loading or unloading, but the CIRY is unable to remove the car because the loading or unloading of the car has not been completed or for other reasons not attributable to the CIRY, an intra-terminal switch charge will be assessed.	PRE-RELEASE OF CARS	820
Except as otherwise provided, empty cars of private ownership upon which empty movement is ordered between two points in the same switching district, will, if the empty movement under either linehaul or switching rates of the CIRY, will be subject to the same charge as named in this tariff for the same car if moving loaded between the same points.	EMPTY CARS OF PRIVATE OWNERSHIP UPON WHICH EMPTY MOVEMENT IS ORDERED.	830
Car(s) discovered to be loaded in excess of allowable load limits or loaded in violation of applicable railroad loading and clearance rules, shall be held until lading is adjusted to conform to all such applicable rules. Car(s) so held shall be subject to the demurrage rules charges provided in Item 535 of this Tariff from the first 7:00 A.M. following notification until car(s) are properly released. Shipper of record shall be assessed the applicable switching or line-haul charge(s) to published herein or in any applicable rating instruments.	OVERLOADED OR IMPROPERLY LOADED	840
All car(s) received in interchange from foreign carriers in error will be returned to the erring carrier. The car will be assessed the per charge rate as list	ERROR INTERCHANGE MOVEMENTS	845
When an empty car is ordered for loading and the service of switching or placing has been performed and the car is not loaded but returned to the CIRY empty a per car charge will be assessed. This charge will be collected from the person or company that ordered such car(s) and will be in addition to applicable demurrage charges. \$190.00 A car rejected as unsuitable for loading will not apply under this application.	EMPTY CARS FURNISHED BY CARRIER AND RETURNED WITHOUT REVENUE LOAD	850
When shipments are loaded in or on articulated cars (two or more units permanently or temporarily joined together), the switching charges published in this Tariff will apply separately to each unit of the articulated equipment.	CHARGES ON ARTICULATED CARS	860
When, because of excessive dimensions, an idler car is required, each car shall be considered a separate shipment and the applicable switch charge will be assessed for each car in the shipment.	CHARGES ON IDLER CARS	870

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PART 3 -- SECTION 1

SPECIAL SWITCHING RULES AND CHARGES -- UNLIMITED

APPLICATION	SUBJECT	ITEM
<p>When on shipper's ordered loaded car(s), or empty car(s) moving on own wheels at tariff or designated rates, are removed from industry or team tracks and are held by the CIRY awaiting forwarding directions, a holding charge will be assessed against the party responsible for furnishing the forwarding directions.</p> <p>If a car is subsequently ordered is returned to consignor's tracks, the applicable intra-terminal charge will be assessed to returned to consignor's tracks.</p> <p style="text-align: right;">\$190.00</p> <p>The Term "forwarding directions" will be defined in Item 475, Section 1, and Part 2 of this Tariff.</p> <p><i>The charges provided in this Item are in addition to applicable demurrage and storage charges as named in Part 2 of this Tariff and will not be absorbed in whole or part.</i></p> <p>Note: The provisions of this item shall not be construed as authorization to charge any connecting carrier for railroad error moves.</p>	SWITCHING AND HOLDING CHARGES ON CARS HELD FOR INSTRUCTIONS	875
<p>(1) In instances where it is desired that freight in carloads be place on delivery tracks for loading or unloading at stop-off points or destinations from one particular side or end of car, cars must be properly placarded on both sides and notations made on bills of lading and waybill substantially as follows:</p> <p style="text-align: center;">NOTICE TO CARRIER Deliver car for loading or unloading from door or end specified by placard.</p> <p>(2) On Freight in carload not properly placarded on both sides of car to load or unload from one particular side or end or car, which shipper or consignee after initial placement of ca, directs carrier to turn and return to the same track for loading or unloading from opposite side or end of car, the following charges (see Note) shall apply:</p> <p>(a) If the car is turned at a point within the confines of an industry, intra-plant-switching charges to and from the point turned shall apply.</p> <p style="text-align: right;">\$155.00</p>	SWITCHING CHARGES FOR TURNING CARS PERMIT LOADING OR UNLOADING AT STOP-OFF POINTS OR DESTINATIONS FROM A PARTICULAR SIDE OR END	890

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(b) If the car is turned at a point within the same station, but outside the confines of the industry, intra-terminal switching charges to and from the point turned shall apply.	\$190.00			
PART 3 -- SECTION 1				
SPECIAL SWITCHING RULES AND CHARGES -- UNLIMITED				
APPLICATION		SUBJECT	ITEM	
(c) If the car is turned at a station or point other than the station or point the car was initially placed, the applicable charge plus distance application will apply as follows:		SWITCHING CHARGES FOR TURNING CARS TO PERMIT LOADING OR UNLOADING AT STOP-OFF POINTS OR DESTINATIONS FROM A PARTICULAR SIDE OR END (continued)	890	
	\$155.00 plus mileage			
<u>Rail Miles</u>	<u>Cost Per Mile</u>			
0-15	\$8.50			
16-30	\$8.00			
31-60	\$7.50			
61-100	\$7.30			
101 and beyond	\$6.90			
Note: If the bill of lading carries a notation that a car has been placarded, and the placard has disappeared before placement, the charge named herein will not apply.				
The CTRY will perform switching services between customers and connections during hours when service is not scheduled to be performed (such as on weekends, holidays, after hours and at other non-scheduled times) at any points on its line at the charges shown below:		SWITCHING CHARGES FOR SWITCHING SERVICES PERFORMED ON WEEKENDS, HOLIDAYS, AFTER HOURS AND/OR OTHER NON-SCHEDULED TIMES	893	
Note: The provisions of this item shall not be construed as authorization to charge any connecting carrier for railroad error moves.				
	<u>Holidays</u>			<u>Other Non-scheduled Times</u>
Switching charge per car, loaded or empty:	\$375.00			\$250.00
When a firm or industry changes it's name or a change in ownership occurs, switching charges as shown in this Tariff will apply in connection with the successor at the same location.		INDUSTRY NAME CHANGE	895	

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PART 4
RULES, REGULATIONS, AND CHARGES
GOVERNING
WEIGHING, REWEIGHING, AND WEIGHT AGREEMENTS

For explanation of abbreviations and reference marks, see last page of Tariff.

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PART 4

WEIGHING AND REWEIGHING

APPLICATION	SUBJECT	ITEM
The CIRY has no facilities to weigh or reweigh cars. Shipper must make arrangements with line haul carrier for cars to be weighed or reweighed.	GENERAL APPLICATION	1000

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PART 5
CHARGES FOR SPECIAL SERVICES TO
OUTSIDE ENTITIES OTHER THAN
THE CUSTOMER BASE

For explanation of abbreviations and reference marks, see last page of Tariff.

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PART 5

CHARGES FOR SPECIAL SERVICES TO OUTSIDE ENTITIES OTHER THAN
THE CUSTOMER BASE

APPLICATION		SUBJECT	ITEM
1.	Locomotive power per hour charges includes time involved in operation, idling, and other non-productive occurrences. <u>See Note 1 and 2 below.</u>	\$264.00	SPECIAL TRAIN SERVICE CHARGES 1200
	Use of an additional locomotive-unit, per hour cost. <u>See Note 1 and 2 below</u>	\$164.00	
2.	Foreign line or privately controlled equipment (non-passenger) used in special train service will be billed at 115% of the equipment's costs in time and/or mileage.		
3.	CIRY system owned or controlled equipment (non-passenger) used in special train service will be billed at 115% of the equipment's costs in time and/or mileage.		
1.	Flagging Services, per hour charge. <u>See Note 1 and 2 below.</u>	\$95.00	ASSESSORIAL CHARGES FOR USE OF CIRY SUPPORT FUNCTIONS 1210
2.	Piloting Services <u>See Note 1 and 2 Below</u>		
(a)	Per vehicle per hour charge when provided by the CIRY. <u>See Note 1 and 2 below</u>		
1).	Hyrail pickup	\$60.00	
2).	Motorcar	\$35.00	
3).	Pilot	\$80.00	
3.	Dispatcher controlled track access. <u>See Note 1 and 2 below</u>	\$400.00	
4.	Roadway Work Safety Class, cost per day. <u>See Note 1 and 2 below</u>	\$750.00	
	In addition, a charge per pupil will be assessed for all study materials, testing, and certification.	\$15.00	

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Note 1:

Requires notice of 24 hours, workdays only.

Note 2:

Minimum time required is four (4) hours per day.

Note 3:

Subsistence charges do not apply to employees reporting for work at their regularly assigned point of employment.

Note 4:

Hourly rate includes fuel and fuel surcharges.

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PART 6

FREIGHT RATES, RULES, AND CONDITIONS

For explanation of abbreviations and reference marks, see last page of Tariff.

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PART 6

FREIGHT RATES, RULES, AND CONDITIONS

APPLICATION				SUBJECT	ITEM																								
<p>At this time, CIRY 1000 will not contain any freight charges for movements between points on the CIRY and connections for intrastate and interstate movement of freight. Publication of public freight charges apply only between points located on the CIRY entirely within the limits of either the Centex Industrial Park at Elk Grove Village, IL, the Lumber District at Cicero, IL, or the IN District at Corwith, IL. These rates do not apply between points on one District and points on another District.</p> <p>Publication of public rates may also be provided through specific commodity based circulars as determined by the CIRY. CIRY circulars will refer to CIRY 1000 as the governing rules tariff. Should exceptions be necessary to facilitate business within the commodity group and circular, a circular may carry an exception that will supersede an Item(s) in CIRY 1000. The exception will recognize and reference will be made to the Item(s) being overruled.</p>				PUBLICATION OF RATES	1300																								
<p>The CIRY will perform switching between customers and connections at the following points at the charges shown below:</p> <table><tr><th colspan="4">STATION: PEORIA, IL</th></tr><tr><th>COMMODITY</th><th>CUSTOMERS</th><th>CONNECTION</th><th>CHARGE</th></tr><tr><td>Freight, all kinds</td><td>O'Brien Steel Service, Co.</td><td>TZPR</td><td>\$570.00</td></tr><tr><th colspan="4">STATION: PIONEER PARK, IL</th></tr><tr><th>COMMODITY</th><th>CUSTOMERS</th><th>CONNECTION</th><th>CHARGE</th></tr><tr><td>Freight, all kinds</td><td>Carver Lumber Co., Gateway Milling,</td><td>UP</td><td>\$570.00</td></tr></table>				STATION: PEORIA, IL				COMMODITY	CUSTOMERS	CONNECTION	CHARGE	Freight, all kinds	O'Brien Steel Service, Co.	TZPR	\$570.00	STATION: PIONEER PARK, IL				COMMODITY	CUSTOMERS	CONNECTION	CHARGE	Freight, all kinds	Carver Lumber Co., Gateway Milling,	UP	\$570.00	RECIPROCAL OR INTERCHANGE SWITCHING	1310
STATION: PEORIA, IL																													
COMMODITY	CUSTOMERS	CONNECTION	CHARGE																										
Freight, all kinds	O'Brien Steel Service, Co.	TZPR	\$570.00																										
STATION: PIONEER PARK, IL																													
COMMODITY	CUSTOMERS	CONNECTION	CHARGE																										
Freight, all kinds	Carver Lumber Co., Gateway Milling,	UP	\$570.00																										
<p>For the mutual benefit and convenience of rail shippers and the CIRY, either party may request the use of a rating instrument or agreement that will be confidential to the parties involved. The CIRY reserves the right to accept or refuse the use of any of the following available instruments:</p> <ol style="list-style-type: none">Confidential Letter Quote (CIRY-CLQ-).Contract (CIRY-C-)				AVAILABLE CONFIDENTIAL RATE INSTRUMENTS	1320																								

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The CIRY will on the behalf of a consignor or consignee enter a contract or exempt quote or join and already existing instrument developed by another carrier.

Confidential rate instruments will be filed as required by the Surface Transportation Board (STB).

Connecting Carrier	Interchange Point	CONNECTING CARRIERS AND INTERCHANGES	1330
BNSF Railway Co. (BNSF)	Cicero, IL (Direct) Corwith, IL (Direct)		
Union Pacific Railroad (UP)	Elk Grove Village, IL (Direct)		

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EXPLANATIONS – ABBREVIATIONS AND REFERENCES	
APPLICATION	
ABBREVIATION	EXPLANATION
ABB	Abbreviation
BNSF	BNSF Railway Co.
BOE	Bureau of Explosives
CIRY	Central Illinois Railroad Co.
C.F.R.	Code of Federal Regulations
CL	Carload(s)
CO	Company
CORP	Corporation
CWT	Hundred Weight
District	The separate and unconnected line segments operated by the CIRY at Elk Grove Village, Cicero, and Corwith, IL
EDI	Electronic Data Interchange
etc	Et Cetera
FT	Freight Tariff
ICC	Interstate Commerce Commission (predecessor of the present STB)
IL	Illinois
ILCC	Illinois Commerce Commission
IN	Illinois Northern (RR) District
Inc.	Incorporated
Lbs	Pounds
NEC	Not Elsewhere Classified
No.	Number
NSO	National Service Order (Western Trunk Line Committee, Agent)
OPSL	Official Railroad Station List (Formerly the Official List of Open and Prepay Stations, Station List Publishing Company, Agent)
RCAF	Rail Cost Adjustment Factor
Ref	Reference
STB	US Surface Transportation Board
STCC	Standard Transportation Commodity Tariff (Traffic Executive Association -- Eastern Railroads, Agent)
TZPR	Tazwell & Peoria Railroad, Inc.
UFC	Uniform Freight Classification (Uniform Classification Committee, Agent)
UP	Union Pacific Railroad
Viz	Namely

GOVERNING RULES TARIFFS	
Bureau of Explosives	BOE 6000-Series
Directory of Hazardous Materials Shipping Directory	Issued by RAILINC
Official Railroad Station List	OPSL 6000-Series
Official Railroad Equipment Register	RER-Series
Standard Transportation Commodity Code	STCC 6001-Series
Uniform Freight Classification	UFC 6000-Series
Central Illinois Railroad Freight Tariff	CIRY 1000-Series

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EXPLANATION OF REFERENCE MARKS

(I)	Denotes increase
(R)	Denotes reduction
(N)	Denotes changes in wording which result in neither increases or decreases in charges
(A)	Denotes a addition
(C)	Denotes a cancellation
(O)	Applies only on Intrastate traffic
(X)	Applies only on Interstate traffic
(R35)	Denotes subject to Rule 35 Governing Classification
(NS)	Not subject to the provision of Item 8

THE END

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